Exhibit 3
Filed Under Seal

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 1              UNITED STATES DISTRICT COURT
 2              NORTHERN DISTRICT OF CALIFORNIA
 3
 4
        GOOGLE LLC,                          )
 5                                           )
                PLAINTIFF,                    )
 6                                           )
          VS.                                ) NO.
 7                                           ) 3:20-cv-06754-
        SONOS, INC.,                         ) WHA
 8                                           )
                DEFENDANT.                    )
 9     _____)
        SONOS, INC.,                         )
10                                           )
                PLAINTIFF,                    )
11                                           ) 3:21-CV-07559-
          VS.                                ) WHA
12                                           )
        GOOGLE, LLC,                         )
13                                           )
                DEFENDANT.                    )
14     _____)
15
16              C O N F I D E N T I A L
17
         (THIS TRANSCRIPT HAS BEEN DESIGNATED HIGHLY
18     CONFIDENTIAL ATTORNEYS' EYES ONLY PURSUANT TO
                   PROTECTIVE ORDER)
19
20
                ZOOM VIDEOTAPED DEPOSITION OF
21
                  KEITH JUILIANO CORBIN
22
                  TUESDAY, MAY 31, 2022
23
24
       JOB NO. 5256472
25
       REPORTED BY:  D'ANNE MOUNGEY, CSR 7872
```

Page 1

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1   A   Yes.

2   Q   And what kind of functionality did you use

3   on the controller?

4   A   It would have been playing music.

5   Q   Did you create any playback queues?   10:38:45

6   A   When I first used it?

7   At that time in order to play music, you

8   added it to a queue, so that would have been how I

9   would have played music.

10   Q   How do you create a playback queue?   10:39:05

11   A   At that time in 2011, you would, you know,

12   browse or search for music and click on something

13   you wanted to play and that act of playing it would

14   add it into the queue to be played.

15   Q   Could you add more than one song to the   10:39:30

16   queue?

17   A   Yes.

18   Q   Could you add thousands of songs to the

19   queue?

20   A   Yes.   10:39:39

21   Q   Could you reorder the queue?

22   A   Yes.

23   Q   So what I mean by that is, you could move

24   tracks, the order of them, you could change them;

25   right?   10:39:58

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1   A   Yes.

2   Q   And is it right that the size of the

3   playback queue was something that was dynamic and

4   could change?

5   MS. BRODY: Objection to form.   10:40:12

6   THE WITNESS: Yes.

7   BY MR. HEFAZI:

8   Q   So if I have four songs in the playback

9   queue and I had another song, the playback queue

10   would become five songs long?   10:40:22

11   A   Yes.

12   Q   And if I added another song, the size of

13   the playback queue would become six songs?

14   A   Yes.

15   Q   If I removed a song, it would become five   10:40:32

16   songs again; right?

17   A   Yes.

18   Q   So every time I added a song to the

19   playback queue, the playback queue size would

20   change?   10:40:43

21   A   Yes.

22   Q   And every time I removed a song, the

23   playback queue size would change?

24   A   Yes.

25   Q   While you -- let me strike that.   10:41:01

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1   So you mentioned you -- this is around

2   February 2011.

3   You were working with the Sonos products,

4   had you at that time -- were you familiar with any

5   other kind of music products that provided playback   10:41:17

6   queues?

7   A   At that time I was familiar with -- there

8   were other music services that did.

9   Q   What music services?

10   A   I think -- in 2011, the music service I was   10:41:41

11   using was probably Slacker could play music.

12   Q   What about Spotify, is that another one?

13   A   Spotify wasn't available in the U.S. at

14   that point.

15   Q   Was Pandora another one?   10:42:01

16   A   Pandora I wouldn't have thought of as a

17   queue in the same way, as the type of playback was

18   different.

19   Q   I see.

20   And why is that?   10:42:17

21   Is that because Pandora is program radio?

22   A   It was radio so you didn't have the

23   visibility into.

24   Q   I see. Okay.

25   So you understand that a queue and a   10:42:30

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1   program radio are two different things?

2   A   I would say the way that Pandora

3   implemented programmed radio where it didn't have

4   visibility was different. There were other

5   implementations at later points of programmed radio   10:42:50

6   that did utilize queues.

7   Q   How would you define a queue?

8   A   It's a -- the way I was thinking about this

9   is a visible list of audio tracks or a browsable

10   list of audio tracks that are set up for playback.   10:43:15

11   Q   Can a queue be stored kind of locally on

12   the device?

13   A   At that point in 2011, the queue was

14   generally stored locally on the device.

15   Q   When you say "the device," is that stored   10:43:38

16   locally on the controller?

17   A   It was stored on the player.

18   Q   On the zone player. I see.

19   You say at that point of time it was stored

20   on the zone player; right?   10:44:00

21   And the point in time you're talking about

22   is the February 2011 period?

23   A   Yes.

24   Q   Okay. So there was this local queue on the

25   zone player, and I guess my question is: How was   10:44:12

8 (Pages 26 - 29)

1   Q   Okay. Well, let me ask: You mentioned
2   2011 you were storing queue locally, so at some
3   point did you move to not storing the queue locally
4   on the zone player?
5   A   We always maintained local -- there were --   10:49:23
6   at later points in time, there were multiple ways of
7   doing playback, some of which involved using the
8   local queue and some of which involved using a
9   Cloud-based queue. I think even in the Cloud-based
10 queue there was a local component. I don't remember   10:49:47
11 the exact details of how that works.
12   Q   So you mentioned Cloud Queue.
13   While you were at Sonos, did you work on
14 the Cloud Queue API?
15   A   I did not.   10:49:56
16   Q   Okay. Were you familiar with the Cloud
17 Queue API?
18   MS. BRODY: Objection to form.
19   THE WITNESS: Yes.
20 BY MR. HEFAZI: 10:50:11
21   Q   What is the Cloud Queue API?
22   MS. BRODY: Objection to form.
23   THE WITNESS: The Cloud Queue API, as I
24 remember it, was a way for apps other than the Sonos
25 controller to load tracks into a Cloud-based queue   10:50:30

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1   that would then be available for playback on a Sonos
2   device center.
3   BY MR. HEFAZI:
4   Q   When you joined Sonos in February 2011, did
5   Sonos have a Cloud Queue API?   10:50:46
6   A   I don't -- the things I was focused on in
7   February of 2011 were not the Cloud Queue API. I
8   don't remember at what point we started working on
9   that.
10   But February of 2011, I was working very   10:51:03
11 much at that point on the SMAPI side of things and
12 building out a developer portal for that, so I
13 wasn't really involved in anything related to Cloud
14 Queue APIs at that point.
15   Q   So SMAPI is something different than Cloud   10:51:17
16 Queue API?
17   A   Yes.
18   Q   And does SMAPI stand for Sonos Music API?
19   A   Yes.
20   Q   And I guess going back in February of 2011,   10:51:30
21 you were not aware of Sonos having any Cloud Queue
22 API?
23   MS. BRODY: Objection to form.
24   THE WITNESS: I was not aware of it in
25 February of 2011, no.   10:51:52

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1   BY MR. HEFAZI:
2   Q   When was the first time you heard of Sonos
3   implementing the Cloud Queue API?
4   A   I don't remember when that would have been.
5   Q   Okay. You're aware that Sonos developed   10:52:06
6   the Cloud Queue API as part of its integration with
7   Google?
8   I think we talked about that earlier.
9   MS. BRODY: Objection to form.
10   THE WITNESS: I'm aware that we did an   10:52:19
11 implementation of it that -- as part of the Play to
12 Sonos work that we did with Google, yes.
13 BY MR. HEFAZI:
14   Q   And prior to the Play to Sonos work that
15 you did with Google, had you heard of the Sonos   10:52:33
16 having Cloud Queue API?
17   A   Not that I'm aware of.
18   Q   Okay. So turning back to your LinkedIn
19 profile, it looks like in 2014 you were promoted to
20 principal software engineer; is that right?   10:53:00
21   A   Yep. That's what it says there.
22   Q   And it says you coached and assisted
23 engineers in gathering a better understanding of
24 APIs.
25   A   Yes.   10:53:13

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1   Q   Which APIs were those?
2   A   This was -- when I say coached and assisted
3   engineers, it was more in the principles of APIs
4   rather than our specific APIs. We had junior
5   engineers on the team that would be building APIs   10:53:33
6   for the first time and helping to understand how to
7   have a developer's perspective building APIs to make
8   them easy to use from a developer perspective.
9   Q   Got it. Got it.
10   Now in 2014 you were the technical product   10:53:48
11 manager on integrations with Spotify and Google Play
12 Music; is that right?
13   A   Yes.
14   Q   And it looks like in 2011 to 2014 before
15 you became principal software engineer, you see it   10:54:06
16 says you were the technical partner manager leading
17 key integrations with Amazon's Cloud Locker, Google
18 Play Music, and Deezer?
19   Do you see that?
20   A   Yes.   10:54:18
21   Q   What's the difference between a technical
22 product manager and technical partner manager?
23   A   Really just semantics. I would say that
24 during that time we were -- it's really a semantic
25 difference.   10:54:37

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10 (Pages 34 - 37)

1   I think we refer to it as technical partner
2 managers previously. We started moving into
3 technical product manager. As you see kind of in my
4 resume, I moved into a product management leadership
5 role from there.   10:54:50
6   So it was really just how we were changing
7 talking about the role more than anything else.
8   Q   Got it. Got it.
9   So looking at the partners that you
10 mentioned here from 2011 to 2014, the first one is   10:55:02
11 Amazon's Cloud Locker.
12   Do you see that?
13   A   Yes.
14   Q   Did that use the Sonos Cloud Queue API?
15   A   That was -- all three of the ones listed on   10:55:15
16 this that I was assisting in during that time period
17 were the SMAPI integrations, so they were not using
18 Cloud Queues.
19   Q   Okay. Well, Google Play Music that's
20 listed here, didn't you mention Google was using a   10:55:28
21 Cloud Queue API?
22   A   Not the part that I was working on. I was
23 working on the SMAPI side of it and SMAPI doesn't
24 interface with Cloud Queues in any way.
25   Q   I see.   10:55:41

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1 called developer evangelist or developer relations.
2 It's a role focused on helping developers at a third
3 party build integrations.
4   Q   Now, when a developer builds an integration
5 to like Apple Music here, did Apple own any part of   10:57:40
6 that integration?
7   MS. BRODY: Objection to form.
8   THE WITNESS: Apple built the integration
9 on their servers and so there was code that they
10 wrote to implement -- to integrate with us that was   10:58:01
11 custom for them that they would have owned, but that
12 was separate from our APIs that they were using.
13 BY MR. HEFAZI:
14   Q   All right. So the integration that the
15 customer developed the whole thing, then Sonos had   10:58:25
16 its own set of APIs; is that the way it kind of
17 worked?
18   A   Again, this was a SMAPI integration. And
19 in a SMAPI integration, there's an existing music
20 service, Apple Music, which has its way of operating   10:58:39
21 things. And then you can build a layer on top of
22 that to interface with our APIs, so that layer they
23 build into their music service. And integrate would
24 be the integration and they wrote that code and were
25 responsible for it.   10:58:58

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1   So you understood that there was work
2 developing a Cloud Queue API?
3   A   Yes.
4   MS. BRODY: Objection to form.
5   THE WITNESS: That was not what I was   10:55:48
6 focused on.
7 BY MR. HEFAZI:
8   Q   Were you familiar with anyone working with
9 Amazon's Cloud Locker to implement a Cloud Queue
10 API?   10:55:59
11   A   Again, it was a SMAPI implementation, so
12 there was no Cloud Queue component.
13   Q   The same is true with Deezer?
14   A   Correct, yes.
15   Q   If you look in 2015, it looks like you   10:56:17
16 became the senior manager of product management
17 developer advocacy.
18   What did that role involve?
19   A   At that point we were building a team to
20 support our partners in their integrations and so I   10:56:44
21 was leading and building that team, as well as
22 working with a few key partners directly.
23   Q   What is a developer advocate?
24   That's something I haven't heard before.
25   A   A developer advocate is someone often   10:57:03

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1   Q   Let me ask you: Does a developer
2 advocate -- did you ever ask to -- did you ever get
3 questions about who would own particular parts of
4 the integration?
5   A   Not that I recall.   10:59:12
6   Q   Was there any kind of understanding about
7 how, you know, integration ownership would work,
8 what parts each entity would own?
9   A   Is there a specific case or just in
10 general?   10:59:33
11   Q   I guess in general. I'm trying to
12 understand, what was the understanding when you went
13 to one of these integrations about -- let me --
14   Obviously when you're integrating with
15 Apple Music, you don't suddenly own everything that   10:59:44
16 Apple did; right?
17   A   Correct.
18   Q   And I guess I was trying to understand from
19 kind of their position as a developer advocate, like
20 how did you understand the ownership portions of the   10:59:56
21 integration, like who would own what?
22   MS. BRODY: Objection to form.
23   THE WITNESS: I would say in -- it was
24 different in different cases. It was -- there were
25 cases where we provided a library and the partner   11:00:19

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11 (Pages 38 - 41)

1 playback.
2   Q   When did you first hear about passing the
3 beer test?
4   A   It's hard. I can't recall when I first
5 heard it. It was sort of ubiquitous at Sonos. I   11:23:28
6 think everyone knew the story. It was sort of like
7 water there. Everybody knew about it.
8   Q   I guess -- let me ask you this question,
9 sir: Prior to -- well, strike that.
10   At the time you joined Sonos, about how   11:23:47
11 long after did you hear the word "beer test"?
12   A   I honestly can't recall. We talked about
13 it in relation to sort of everything we did, so it
14 could have been anywhere from the first day to --
15 but it was certainly early on in my time there when   11:24:06
16 I first heard it.
17   Q   Can you pass the beer test without using a
18 Cloud Queue?
19   A   Yes. The SMAPI services, those
20 integrations all pass the beer test.   11:24:22
21   Q   You can pass the beer test using only a
22 local queue?
23   MS. BRODY: Objection to form.
24   THE WITNESS: You can pass the beer test if
25 a local queue -- if it's a SMAPI based integration   11:24:37

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1 answer is, the speaker didn't have an account with
2 which it could initiate streaming on its own.
3   The account was embedded in a different
4 device, and so in order -- or in a third party's
5 app, and so, therefore, there needed to be some   11:26:14
6 connecting mechanism outside of local playback to be
7 able to -- or loaded thousands of tracks in the
8 queue, but that was not necessarily practical in
9 most cases.
10 BY MR. HEFAZI: 11:26:29
11   Q   Okay. It's your testimony that the only
12 way to implement a Play to Sonos -- strike that.
13   So it's your testimony that if you have
14 Play to Sonos, you must have a Cloud Queue; correct?
15   MS. BRODY: Objection to form.   11:26:41
16   THE WITNESS: I would say -- Play to
17 Sonos -- again, this is very dependent on the time
18 period you're asking about.
19   Play to Sonos went on to represent all
20 sorts of ways of controlling a Sonos Speaker without   11:26:53
21 using the Sonos app itself. And so somebody like
22 Neutron built an integration to Sonos that didn't
23 have its own content, so they didn't use
24 Cloud Queues, but anything that had its own content
25 would need to use Cloud Queues to stream.   11:27:11

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1 where it's using our controller to start the music,
2 yes.
3 BY MR. HEFAZI:
4   Q   I guess what I'm getting at, if I tell you
5 I want to pass the beer test, that is synonymous   11:24:49
6 with me telling you I want to use the Cloud Queue?
7   MS. BRODY: Objection to form.
8   THE WITNESS: I mean, it's -- it depends on
9 how you want to do it.
10   If you wanted to build a SMAPI integration   11:25:05
11 and pass the beer test, it automatically would, yes.
12 If you wanted to build a Play to Sonos integration
13 and pass the beer test, then the Cloud Queue would
14 be required.
15   So it's hard to answer that question   11:25:18
16 without the context of this type of integration that
17 was being built.
18 BY MR. HEFAZI:
19   Q   Let me ask you: Why do you say that?
20   I mean, what -- explain to me why Play to   11:25:27
21 Sonos requires Cloud Queue to pass the beer test.
22   MS. BRODY: Objection to form.
23   THE WITNESS: The difference in a Play to
24 Sonos integration was that a speaker did not have a
25 persistent connection -- there was -- the simple   11:25:55

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1 BY MR. HEFAZI:
2   Q   But in 2011, right, you previously
3 testified that you were unaware of Sonos having any
4 Cloud Queue API.
5   Do you recall that?   11:27:25
6   A   In 2011, yes, that's correct. I was
7 unaware of it at that point.
8   Q   In 2011, Sonos could not pass the beer test
9 with Play to Sonos?
10   A   Play to Sonos --   11:27:34
11   MS. BRODY: Objection to form.
12   THE WITNESS: The way to pass the beer test
13 in 2011 was through SMAPI. The -- and Play to Sonos
14 as a program with that name didn't really exist in
15 2011, as far as I recall, and there -- at that   11:27:53
16 point -- in 2011 when I joined, there was no one
17 sending music from their own app to Sonos at that
18 point, so the question is a little tough to answer.
19 BY MR. HEFAZI:
20   Q   Okay. Now, as part of Google integration,   11:28:15
21 are you familiar -- are you aware that there was a
22 kind of version 1 and a version 2 release?
23   A   I vaguely remember a version 1 and a
24 version 2.
25   Q   Okay. And do you recall if version 1 was   11:28:32

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14 (Pages 50 - 53)

1 exists as a -- gapless playback exists in lots of
2 situations that don't necessarily have local queues.
3   Q So in order to have gapless playback, does
4 the zone player have to know the entity of the next
5 track in the Cloud Queue when it's playing its   11:44:42
6 current song?
7   A The zone player -- in order to do gapless
8 playback, the zone player would need to be aware of
9 the next track that was going to be played in order
10 to start loading -- start loading into memory ahead   11:44:57
11 of time.
12   Q Did you communicate this idea to anyone
13 other than Tad?
14   A I don't remember.
15   Q Do you remember what happened after this   11:45:24
16 meeting?
17   MS. BRODY: Objection to form.
18   THE WITNESS: I don't.
19 BY MR. HEFAZI:
20   Q Did you consider your idea novel?   11:45:35
21   MS. BRODY: Objection to form.
22   THE WITNESS: I don't recall having the
23 idea or sending the message, so...
24 BY MR. HEFAZI:
25   Q Did you in 2011 consider it to be kind of   11:45:49

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1 nonobvious to move the Cloud into the queue?
2   MS. BRODY: Objection to form.
3   THE WITNESS: I don't remember writing the
4 message or having the idea, so I don't know the
5 context I would have thought at that time.   11:46:06
6 BY MR. HEFAZI:
7   Q Are you aware that before December 2011,
8 there were queues in the Cloud?
9   A I don't know what I was aware of at that
10 time or not.   11:46:21
11   Q Were you aware that Spotify had queues in
12 the Cloud before 2011?
13   A I hadn't started working with Spotify at
14 that point, so I don't know that I would know that.
15   Q Were there any music -- any partners that   11:46:39
16 you were working with as of December 2011?
17   A I don't remember which ones.
18   Q In your LinkedIn you mentioned Deezer
19 and -- was it Cloud Locker?
20   A Yeah. That was in reference to a period   11:46:58
21 of, I think, three or four years. I don't remember
22 which ones were which years and so I don't know
23 specifically at what times I was working with which
24 partners.
25   Q Did you at any point tell someone that we   11:47:18

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1 should file a patent on my idea?
2   MS. BRODY: Objection to form.
3   THE WITNESS: Not that I recall.
4 BY MR. HEFAZI:
5   Q Did you consider this idea deserving of a   11:47:29
6 patent?
7   A I don't recall having the idea.
8   Q If you look in the middle e-mail, it lays
9 out a number of issues to implementing your
10 approach.   11:47:48
11   Do you see that?
12   A Yes.
13   Q Did you overcome any of the issues that
14 were listed here after -- well, strike that.
15   What occurred after you sent this e-mail?   11:48:01
16   A I don't remember sending it. I don't know
17 what happened afterwards.
18   Q So it's fair to say that you don't --
19 you're not aware of Sonos working to solve the
20 issues that you lay out here after you sent this   11:48:19
21 e-mail?
22   A I'm not aware of any of -- yeah, I don't
23 know.
24   Q Okay. We can put that aside.
25   You're aware that Google and Sonos entered   11:48:43

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1 into a collaboration around 2013?
2   A I remember that we began working together.
3 I don't remember the specific year or date, but that
4 sounds about right.
5   Q What was your involvement in the   11:49:01
6 collaboration?
7   A My main focus was the SMAPI side and
8 supporting the SMAPI integration, and then that --
9 and really kind of maintaining that aspect from the
10 point of view of the technical relationship that we   11:49:22
11 had.
12   Q So you refer to a SMAPI portion of the
13 integration.
14   Are you also familiar with something called
15 MRP?   11:49:33
16   A Yeah. MRP, that was -- kind of rings a
17 bell.
18   That was one of Google's technologies, I
19 think.
20   Q Was the MRP a separate part of the   11:49:46
21 integration?
22   A Separate from SMAPI?
23   Q Like it was unrelated to SMAPI; right?
24   MRP and SMAPI are unrelated; right?
25   A Correct.   11:49:57

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18 (Pages 66 - 69)